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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,703	10/22/2003	Ko-Po Chen	OR0318	4051
22192	7590	12/13/2005	EXAMINER	
LAW OFFICE OF LIAUH & ASSOC. 4224 WAIALAE AVE STE 5-388 HONOLULU, HI 96816			THANH, QUANG D	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,703

Applicant(s)

CHEN, KO-PO

Examiner

Quang D. Thanh

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 9 is/are rejected.
- 7) ☒ Claim(s) 3, 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "two plates" must be shown or the feature canceled from the claim 5. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. The feature of “ the drive member of the horizontal displacement mechanism is formed of ***two plates***” is unclear. As best understood by the examiner, fig. 10 shows a drive member 52 having a central hole and two end portions (two plates ?) with each end portion pivotally connected to a connection rod 53. Applicant is requested to provide clear description of the two plates.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not adequately described as set forth in the above objection to the specification. The limitation “the drive member of the horizontal displacement mechanism is formed of ***two plates (?)*** whereby the two plates are pivoted with the first connection rod” appears to be incorrect. As best understood by the examiner, fig. 10 shows a drive member 52 having a central hole and two end portions (two plates ?) with each end portion pivotally connected to a connection rod 53.

Claim Objections

3. Claim 7 is objected to because of the following informalities: “shaft sleev” should be replaced with – shaft sleeve --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nounoue et al. (6,224,563).

6. Re claims 1-2, Nounoue discloses a massaging machine (fig. 2) comprising: a plurality of massaging rollers 70 (fig. 3); a rubbing mechanism for actuating the massaging rollers to engage in a rubbing (kneading) action (fig. 3, col. 5, lines 8-30); a pounding mechanism 52 for actuating the massaging rollers to engage in a pounding (tapping) action (fig. 3, col. 5, lines 31-36), and a horizontal displacement mechanism (the width adjusting mechanism of the control unit, col. 4, line 64 to col. 8, line 13) for causing the massaging rollers to engage in a horizontal displacement on a rubbing shaft 51 of the rubbing mechanism (wide, middle and narrow spacing between rollers); wherein the rubbing shaft 51 of the rubbing mechanism is provided with a rubbing shaft sleeve 73 (fig. 3) and a plurality of swing arms 72 (fig. 3); wherein the massaging rollers 70 are mounted on the swing arms 72 in conjunction with the rubbing shaft sleeve 73 (fig. 3); wherein the horizontal displacement mechanism comprises a drive source 55, a drive member 52a driven by the drive source, a first connection rod 76 pivoted with the drive member 52a (fig.3), and a second connection rod 75 pivoted with the first

connection rod 76 (fig. 4-5) whereby the second connection rod is fastened at one end 74 between two sides of the rubbing shaft sleeve 73 (best seen in fig. 3-4).

7. Re claims 4 and 9, Nounoue discloses the drive source is a motor 55 (col. 4, lines 47-60); and the second connection rod 75 is provided at other end with a connection support portion for connecting with an auxiliary support shaft 52 (via 76, best seen in fig. 4-5).

Allowable Subject Matter

8. Claims 3 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

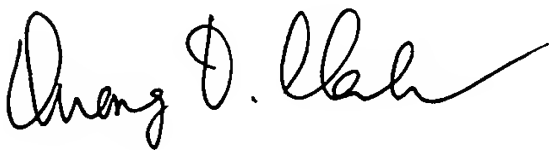
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furuie et al. '448 discloses a massage machine. Jikiba et al. '939 discloses a massage chair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Cronin can be reached on (571) 272-4536. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Quang D. Thanh', with a stylized flourish at the end.

Quang D. Thanh
Patent Examiner
Art Unit 3764
(571) 272-4982